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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/674,181 | 09/29/2003 | Norman P. Lewis | Performance Stamping PIUS | 1944 |
| 7590 | 09/12/2005 | | EXAMINER MARSH, STEVEN M | |
| VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP P.O. BOX 352 GRAND RAPIDS, MI 49501 | | | ART UNIT 3632 | PAPER NUMBER |

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,181

Applicant(s)

LEWIS, NORMAN P.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2272004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/674,181 for a Universal Bracket System filed by Norman Lewis on September 29, 2003.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the oath has not been signed by the inventor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,185,971 to Johnson, Jr. Johnson, Jr. discloses a bracket system with a bracket that has an end means (54) adapted to be at least partially received through a first receiving aperture (48) of a rack, so that the bracket is in a first coupling position relative to the rack. There is at least one downwardly projecting slot (formed by the outer portion of 54 and the body 42) for receiving a first portion of the rack when the bracket is in the first coupling position relative to the rack. The bracket and the

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downwardly projecting slot are sized and configured so that rotational forces externally exerted on the bracket about the downwardly projecting slot are prevented from moving the bracket from the final coupling position to the first coupling position. The bracket is sized and configured so that movement of the bracket from the final coupling position to the first coupling position requires the bracket to be first lifted vertically upward relative to the support structure. When the bracket is in the final coupling position, a cantilevered load can be placed on the bracket and the downwardly projecting slot is located on the end means. The end means has an upright portion and an arcuate intermediate portion (see fig. 5) and the slot is formed on the underside of the arcuate portion. There is also a second downwardly projecting slot (the lower 54) on a second projection and the first and second slots are substantially identical and of rectangular configuration. The bracket has a terminating end opposite the end means and when the bracket is in the final position, the bracket will remain substantially stationary without any pivotal movement when upwardly directed forces are exerted adjacent the terminating end. There is an elongate portion (42) terminating in a lip and the upper projection forms a recess. Claims 1-20 contain limitations to the structure of the support structure/rack. However, the support structure is not positively recited in the claims and therefore the limitations carry no patentable significance.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,572,626 to Bertschi

U.S. Patent 4,589,349 to Gebhardt et al.


U.S. Patent 4,064,996 to Shillum

U.S. Patent 4,205,815 to Sauer et al.

U.S. Patent 4,219,175 to Harig

The above patents all disclose various support brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Steven M. Marsh

August 22, 2005


RAMON O. RAMIREZ
PRIMARY EXAMINER